

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL DEPOSIT INSURANCE
 CORPORATION,

Plaintiff,

vs.

BELLASARA AT MESQUITE ESTATES, LLC,
et al.,

Defendants.

Case No. 2:10-cv-01940-GMN-PAL

ORDER

(Mot. Enlarge Time and Publication - Dkt. #18)

Before the court is Plaintiff's Motion to Enlarge Time for Service and for Leave to Serve Clifford P. Redekop by Publication (Dkt. #18).

This is an action brought by Plaintiff Federal Deposit Insurance Corporation, as receiver for SouthwestUSA Bank ("FDIC"). The Complaint in this case was filed November 3, 2010, and involves an action by the FDIC to recover monies due under a commercial loan. Plaintiff asserts Defendant Redekop is a guarantor of that loan who defaulted on his loan obligations. Mr. Redekop listed his address on the guaranty agreement and agreed that all notices pertaining to the guaranty should be sent to that address. The guaranty agreement also required him to keep the lender informed of his current address at all times. Plaintiff has attempted to serve Mr. Redekop at the address he listed on the loan documents and on the Clark County Assessors website, but has been unsuccessful.

The motion is supported by the declaration of counsel, and affidavits of process servers engaged to attempt to serve process. The declarations establish the attempts to serve Mr. Redekop at his Henderson, Nevada address. The Clark County Assessors website lists Mr. Redekop as the owner of the property at that address. Additionally, one of the process servers has verified with the security guard at the gate at the community that he had the correct address for Mr. Redekop. Process servers


1 have visited the residence eleven times at various times of the day and night on weekdays and
2 weekends, and performed a four-hour "stakeout" of the location. Despite these efforts, no one answered
3 the door, although there were cars in the driveway, lights on inside the house, and the process server
4 could see a person moving around inside the home.

5 Having reviewed and considered the matter, the court finds Plaintiff has established good cause
6 for an extension of time to serve Defendant Redekop. The court is also satisfied that a cause of action
7 exists and that Mr. Redekop is a necessary and proper party to the action, and that the Plaintiff has been
8 unable to locate him within the state despite the exercise of due diligence. Accordingly,

9 **IT IS ORDERED:**

- 10 1. Plaintiff's Motion to Enlarge Time for Service is **GRANTED**, and Plaintiff shall have
11 until May 3, 2011, to effectuate service on Defendant Clifford P. Redekop.
- 12 2. Plaintiff's request to serve Defendant Clifford P. Redekop by publication in accordance
13 with Nev.R.Civ.P. 4(e) is **GRANTED**. The publication shall be made in a newspaper of
14 general circulation published in the State of Nevada for a period of four weeks at least
15 one time per week during this period. A copy of the summons and complaint shall also
16 be mailed to Mr. Redekop at his address at 28 Anthem Creek Circle, Henderson,
17 Nevada.
- 18 3. Plaintiff shall also comply, to the extent applicable, with the provisions of NRS 14.090
19 governing service of process at residence accessible only through gate.

20 Dated this 8th day of March, 2011.

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23 Peggy A. Leach
24 United States Magistrate Judge
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